

VZCZCXRO1264
PP RUEHAG RUEHDF RUEHIK RUEHLZ RUEHROV RUEHSL RUEHSR
DE RUEHMD #0942/01 2651147
ZNR UUUUU ZZH
P 221147Z SEP 09 ZDK
FM AMEMBASSY MADRID
TO RUEHC/SECSTATE WASHDC PRIORITY 1244
INFO RUCNMEM/EU MEMBER STATES COLLECTIVE PRIORITY
RUEHLA/AMCONSUL BARCELONA PRIORITY 4131
RHMFIUU/FAA WASHINGTON ARTCC WASHDC PRIORITY

UNCLAS SECTION 01 OF 02 MADRID 000942

SIPDIS

EEB/TRA/OTP: MWALKLET

E.O. 12958: N/A

TAGS: [EAIR](#) [ECON](#) [SP](#)

SUBJECT: CIVAIR: RESPONSE FROM GOS ON FEDERAL AVIATION
REGULATIONS VIOLATIONS

REF: A. SECSTATE 45150

[B](#). 09 MADRID 00095

MADRID 00000942 001.2 OF 002

Action Request in Para 2

[1](#). (U) Para 3 contains a translation of the response from Spain's Agency for Air Safety (AESA) on 8 cases of alleged violations of U.S. airspace (ref A). Background: Until this year, the GOS had determined that it did not have the legal jurisdiction to investigate cases of citizens or residents of Spain who committed violations in the airspace of another country (reftel B). In April of this year, the GOS reversed its position, and in June it accepted for review copies of the following reports: Docket numbers 2007EA250090, 2008EA150051, 2008EA150023, 2008EA290014, 2008EA290009, 2008EA290015, 2009EA290002, and 2009EA250021.

[2](#). (U) The response describes actions taken by airlines and/or GOS authorities in all cases except: a) Docket number 2007EA250090, which AESA found to be outside of its jurisdiction; and b) Docket number 2008EA290009, for which AESA indicates it would need a transcript of the communication between the pilot and the ATC to complete an investigation. Action Request: Post requests the transcript if it is available.

[3](#). (U) Following is a translation of the response from AESA on the alleged violations of U.S. airspace:

In relation to your message on aeronautical violations committed by Spanish nationals and air carriers, I can report the following actions:

Jose Munoz, 6 August 2007 (2007EA250090)
As this incident took place on a foreign aircraft, operated by a foreign airline (Continental Airlines) during a flight whose origin and destination were outside Spain (Paris-Newark), this Agency has no authority to sanction said violation.

Sara Folch Vericat (2008EA150051) and Pablo Puga Gonzalez (2008EA150023), 24 January 2008, and Juan M. Nunez, 9 November 2008 (2009EA290002)
These two incidents relating to loss of separation took place in North Atlantic oceanic airspace, as notified to the FAA inspector in charge of the investigation.
After the investigation, the carrier took corrective measures, such as sending informative notes to the pilots, providing technical publications and information on how to prevent this type of incident, and the actions were used as examples in the crew training courses given by the company.

Rafael Linares Pinate, 20 May 2008 (2008EA290009)

Incident relating to a runway incursion at the Boston airport, which was reported to the FAA. The carrier informed us that it has requested the transcription of the communication between the aircraft and the ATC, and to date has not had access to same, whereby this Agency considers that until it has the necessary elements to carry out an appropriate investigation, it cannot take any action in regard to this incident.

Santiago Blanco (2008EA290015), 22 May 2008 and Cesar Murillo, 28 May 2008 (2008EA290014) Incidents relating to losses of separation that took place in the North Atlantic oceanic airspace, which were reported by the airline to the FAA inspector in charge of the investigation. The airline has taken corrective measure by enhancing the information contained in the navigational charts and in the company's Operations Manual. Also, information on this was published in the operator's Flight Safety Bulletin for dissemination among the pilots.

Javier Arguello Fernandez, 22 January 2009 (2009EA250021) Incident that took place when the aircraft flew above the Teterboro (New Jersey) take-off procedure altitude. It was reported to the FAA and corrective measures have been taken, such as providing the two crewmembers with a refresher course on operational procedures. Furthermore, the two pilots were given a test of English, to see if there was any problem in understanding communications, and they passed. The captain of the flight was banned from piloting international flights for two months.

I further report that the Spanish Agency for Air Safety (AESA) is following up on the corrective actions taken by the companies.

MADRID 00000942 002.2 OF 002

The Director of Aircraft Safety
Luis Rodriguez Gil

14. (U) For any follow up or further information, please contact CivAir officer Amy Dove, 011-34-91-587-2399, dovean@state.gov.
CHACON